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Paper No. 6

SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
186 WOOD AVENUE SOUTH  
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In re Application of  
Peggy M. Stumer  
Application No. 09/086,294  
Filed: May 28, 1998  
Attorney Docket No. 98 P 7528 US

FEB - 7 2000  
SPECIAL PROGRAMS OFFICE  
ON APPLICATIONS

This is a decision on the petition under 37 CFR 1.137(b), filed December 21, 1999, which, for the reasons stated below, is being treated as a petition requesting withdrawal of the holding of abandonment of the above-identified application.

The petition to withdraw the holding of abandonment is granted.

This application was held abandoned for failure to timely reply to the Notice to File Missing Parts of Application - Filing Date Granted (hereafter Notice), mailed June 24, 1998. The Notice required the submission of a declaration and surcharge of \$130.

In view of the evidence submitted, it is determined that the Notice of June 24, 1998 was improperly mailed and is hereby vacated. More specifically, the evidence establishes that a signed declaration and power of attorney was received by the PTO on May 28, 1998, the date of filing of the instant application. Unfortunately, as evidenced by the copy of the recorded assignment submitted with the petition, the page of the declaration containing the inventor's signature and residence were inadvertently attached to the assignment, presumably by PTO personnel. Accordingly, the holding of abandonment is hereby withdrawn and the Notice of June 24, 1998 is vacated.

In view of the above, the \$1,210 petition fee charged to petitioner's deposit account on December 22, 1999 will be credited in due course.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the above-noted address of record.

Any inquiries concerning this decision on petition may be directed to the undersigned at (703) 305-8680.

This application is being forwarded to the Office of Initial Patent Examination Division for further processing.



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